

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**MISC. ACTION NO. 23-00012-KD**

|                               |   |                                       |
|-------------------------------|---|---------------------------------------|
| <b>IN RE:</b>                 | ) |                                       |
|                               | ) |                                       |
| <b>LISA MICHELLE COLLINS,</b> | ) |                                       |
|                               | ) | <b>BANKRUPTCY ACTION NO. 22-12152</b> |
| <b>Debtor.</b>                | ) |                                       |

|                                     |   |                                     |
|-------------------------------------|---|-------------------------------------|
| <b>LISA MICHELLE COLLINS,</b>       | ) |                                     |
| <b>MICHAEL E. COLLINS, SR., and</b> | ) |                                     |
| <b>ESTATE OF DOROTHY WALDON</b>     | ) |                                     |
| <b>COLLINS,</b>                     | ) |                                     |
|                                     | ) |                                     |
| <b>Plaintiffs,</b>                  | ) | <b>ADVERSARY ACTION NO. 22-1025</b> |
|                                     | ) |                                     |
| <b>vs.</b>                          | ) |                                     |
|                                     | ) |                                     |
| <b>RUSHMORE LOAN MANAGEMENT</b>     | ) |                                     |
| <b>SERVICES, LLC; U.S. BANK</b>     | ) |                                     |
| <b>NATIONAL ASSOC.; LOANCARE;</b>   | ) |                                     |
| <b>and LAKEVIEW LOAN SERVICING,</b> | ) |                                     |
| <b>LLC.,</b>                        | ) |                                     |
|                                     | ) |                                     |
| <b>Defendants.</b>                  | ) |                                     |

**ORDER**

This action is before the Court on the Joint Notice of Stipulated Dismissal with Prejudice filed by Plaintiff Lisa Michelle Collins and Defendants LoanCare and Lakeview Loan Servicing, LLC (doc. 14). The Notice is filed pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. However, the Notice is not signed by all parties who have appeared, including parties that have been dismissed. See City of Jacksonville v. Jacksonville Hospitality Holdings, L.P., 82 F. 4th 1031, 1038 (2023) (“And all means all ... a Rule 41(a)(1)(A)(ii) stipulation also requires the signature of a party that appeared but has already been removed from an action.”).

Therefore, the Court will address the Notice as a Plaintiff Lisa Michelle Collins’ motion

for dismissal “by court order, on terms the court considers proper.” Fed. R. Civ. P. 41(a)(2).<sup>1</sup>

Accordingly, the action by Plaintiff Lisa Michelle Collins and against Defendants LoanCare and Lakeview Loan Servicing, LLC. is dismissed with prejudice.

**This Order shall not be construed as dismissing Plaintiff Lisa Michelle Collins’ claims against the remaining Defendant U.S. Bank National Assoc.**

**Plaintiffs Michael E. Collins, Sr. and Estate of Dorothy Waldon Collins did not join in the Notice. Therefore, their claims remain pending against Defendants U.S. Bank National Assoc., LoanCare and Lakeview Loan Servicing, LLC.**

**Defendant Rushmore Loan Management Services, LLC was dismissed with prejudice on July 25, 2024 (doc. 11).**

DONE and ORDERED this the 30<sup>th</sup> day of October 2024.

s/ Kristi K. DuBose  
KRISTI K. DuBOSE  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The Rule provides that “[e]xcept as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper. ... Unless the order states otherwise, a dismissal under this paragraph (2) is without prejudice.”